

**BRENTWOOD BOROUGH COUNCIL**

**Record of Delegated Decision by Officer (The Openness of Local Government Bodies Regulations 2014)**

**Name:** Steve Chapman

**Post:** Team Leader property services housing

<b><u>Source of Delegated Authority (incl. ref.)</u></b>	EM2/1 Urgent Action SO40
<b><u>Record of Decision itself Made</u></b>	To enter into a deed of release and grant of an easement with the owner of 1 Snakes Hill, Navestockside, Brentwood
<b><u>Date of Decision</u></b>	05.08.15
<b><u>Reasons for decision</u></b>	The previous owner of 1 Snakes Hill built an extension over an existing easement in favour of the Council. The original access way enabled the Council to access its neighbouring land to maintain/repair the sewerage treatment plant at the rear of this property. Since the blocking of the Council easement, the current owner has allowed the Council access over an alternative accessway which is gated and located to the side of the property. The current owner and his mortgage company have agreed to extinguish the original easement registered over this property and create a new easement within the boundary of this property which is essential to continue maintenance of our adjacent land containing the sewerage plant. This arrangement negates the need for legal action to be taken to reinstate the Council's original easement and having to remove the owner's extension.
<b><u>Any alternative options (if any) considered and rejected</u></b>	No alternative options to consider
<b><u>Where express specific delegated authorization exercised, any declaration of interest by a Member</u></b>	No specific declarations of interest declared by any member of the council
<b><u>Date of Record Completed</u></b>	05.08.2015



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I confirm that arrangements have been made by me for this information to be published on the website as required by law and to be made available for public inspection at the Town Hall. Please send this record when completed to Democratic Services (FAO Zoey Foakes).

Signature:

 [ P.H. Ruck ]

What decisions must be recorded?

Certain decisions under delegated power are required to be recorded in writing by the officer exercising delegated power.

- Those decisions made 'under a specific express authorisation'
- Those decisions made 'under a general authorisation to officers to take such decisions and, the effect of the decision is to –
  - (i) grant a permission or licence;
  - (ii) affect the rights of an individual; or
  - (iii) award a contract or incur expenditure which, in either case, materially affects the Borough Council's financial position'

When must the written record be produced and what is it required to contain?

As soon as 'reasonably practicable' after the decision has been made.

The written record must contain:-

- (1) the decision date,
- (2) the decision reasons,
- (3) the record of the decision itself,
- (4) any alternative options (if any) considered and rejected, and



(5) any declaration of conflict of interest by a member of the Council (where specific express authorisation being exercised).

If (1), (2) & (3) above is already being done, it does not have to be repeated BUT (4) & (5) are still required to be added to that written record AND the written record must be published on the website and made available for public inspection at the Council's offices (subject to exceptions if confidential/exempt information).



**SCHEDULE OF EXERCISE OF DELEGATED POWERS**

Delegated power No or details of power exercised	Date of Exercise	Details of Case & Decision Taken	Consultation Undertaken	Commercial In confidence
<p>Under the Constitution Appendix A ('Delegations to Staff, Emergency Powers &amp; Action EM2/1 Urgent Action – Standing Orders, there is delegated authority for the urgent exercise of council's powers by an Officer (SO 40). Any officer, where the exercise of such powers has been sanctioned orally or in writing by the Chair or in her absence the Vice chair of the Policy, Finance &amp; Resources Committee... together with the Mayor of the Borough and Leader of the Council (or in their absence the Deputy Mayor and deputy Leader respectively). A report will be made on the circumstances which necessitated the exercise of these powers to Members via the Members' Newsletter.</p>	<p>5th August 2015</p>	<p>The previous owner of 1 Snakes Hill built an extension over an existing easement in favour of the Council. The original access way enabled the Council to access its neighbouring land to maintain/repair the sewerage treatment plant at the rear of this property. Since the blocking of the Council easement, the current owner has allowed the Council access over an alternative accessway which is gated and located to the side of the property. The current owner and his mortgage company have agreed to extinguish the original easement registered over this property and create a new easement in favour of the Council within the boundary of this property and this is essential to continue maintenance of our adjacent land containing the sewerage plant. This arrangement negates the need for legal action to be taken to reinstate the Council's original easement and remove the owner's extension.</p>	<p>Philip Ruck Cllr McKinlay Mayor Mark Reed</p>	<p>NO</p>

I, Philip Ruck, confirm that I have exercised my power, in accordance with the delegated power under the Council's constitution at Appendix A, EM2/1. Councillor Louise McKinlay and the Mayor have been duly consulted prior to my making of this decision in accordance with the above provisions of the Council's constitution and this record is accordingly made in the exercise of such Delegated Power.

Name: Philip Ruck





Signed: .....  
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Head of Paid Service

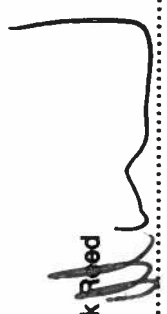
Date: 11/08/2015

Name: Cllr Louise McKinley

Signed: .....  
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~~Chair~~ Chair of Policy, Finance and Resources & Deputy Leader

Date: 12/08/15

Name: Mark Reed  
Signed: .....  
.....

Mayor

Date: 14/8/15

